

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY VIENNA PRIORITY

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E.O. 11652: N/A

TAGS: SENV, TBIO, AU, US

SUBJECT: TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND
FLORA

RE: VIENNA 06267

1. ON JUNE 11, 1978, THE AFRICAN ELEPHANT WAS LISTED
AS A "THREATENED" SPECIES UNDER THE ENDANGERED SPECIES ACT
AND IMPORT, EXPORT AND INTERSTATE COMMERCE IN THE WHOLE
ANIMAL OR ITS PARTS AND PRODUCTS ARE NOW RESTRICTED AS
FOLLOWS:

---- A. ANY AFRICAN ELEPHANT OR ITS PRODUCTS WHICH ARE
IMPORTED INTO THE UNITED STATES MUST ORIGINATE IN THE WILD
IN A COUNTRY THAT IS PARTY TO THE CONVENTION ON INTER-
NATIONAL TRADE IN ENDANGERED SPECIES OF WILD FAUNA AND
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FLORA (CONVENTION).

--- B. THE SHIPMENT FROM THE CONVENTION COUNTRY OR
ORIGIN MUST BE ACCOMPANIED BY THE PROPER CONVENTION EXPORT
DOCUMENT ISSUED BY THE FOREIGN COUNTRY IN ACCORDANCE WITH
THE CONVENTION.

--- C. THE SHIPMENT MUST PROCEED DIRECTLY TO THE UNITED STATES, OR TO A COUNTRY OR COUNTRIES WHICH ARE ALSO PARTY TO THE CONVENTION. IN THE CASE OF SHIPMENTS WHICH GO TO ONE OR MORE PARTY COUNTRIES PRIOR TO IMPORTATION INTO THE UNITED STATES, THEY MUST BE ACCCOMPANIED BY APPROPRIATE REEXPORT CERTIFICATES FROM THE FOREIGN COUNTRY, AS REQUIRED BY THE CONVENTION.

--- D. THE ONLY EXCEPTION TO THESE REQUIREMENTS IS THAT SHIPMENTS MAY TEMPORARILY TRANSIT THROUGH A COUNTRY WHICH IS NOT A PARTY TO THE CONVENTION (AUSTRIA) PROVIDED THAT THEY REMAIN IN CUSTOMS CONTROL AND ARE NOT ALTERED IN ANY WAY IN THAT COUNTRY. THIS WOULD EXCLUDE AUSTRIA FROM IMPORTING RAW TUSKS, MANUFACTURING THEM INTO PIANO KEYS AND REEXPORTING THEM TO THE UNITED STATES.

--- E. ANY COMMERCIAL IMPORT OF AFRICAN ELEPHANT, PARTS OR PRODUCTS FROM AUSTRIA WITHOUT MEETING CONVENTION AND/OR ENDANGERED SPECIES ACT REQUIREMENTS AFTER JUNE 11, 1978, WOULD RESULT IN SEIZURE OF THE SHIPMENT AND SUBSEQUENT LEGAL ACTION.

--- F. ANY CONTRACTS ENTERED INTO PRIOR TO JANUARY 16, 1977 (DATE OF PROPOSAL) WOULD QUALIFY FOR "ECONOMIC HARDSHIP EXEMPTION" CONSIDERATION UNDER THE ENDANGERED SPECIES ACT OF 1973. UPON RECEIPT OF A COMPLETE UNCLASSIFIED

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APPLICATION, THE DIRECTOR MAY ISSUE A PERMIT AUTHORIZING ANY ACTIVITY OTHERWISE PROHIBITED UNDER THE ACT, IN ACCORDANCE WITH THE ISSUANCE CRITERIA OF THAT SECTION IN ORDER TO PREVENT UNDUE ECONOMIC HARDSHIP. A SET OF ENDANGERED SPECIES ACT REGULATIONS BEING POUCHEO FOR YOUR REVIEW AND INFORMATION. VANCE

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